(42)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 2879 of 2007

Petitioners

1. Mani Ram Sahu, S/o. Shri Chamaru Sahu, aged about 60 years, R/o. Village & Post Ahilda, Tehsil Baloda Bazar, District Raipur (C.G.)
2. Babu Ram Patel, S/o. Shri Nain Das Patel, aged about 60 years, R/o. Village & Post Munda, Tehsil Baloda Bazar, District Raipur (C.G.)
3. Purushottam Verma, S/o. Dheer Das, R/o. Village & Post Ahilda, Tehsil Baloda Bazar, District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through: Secretary, Water Resources Department, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)
2. Executive Engineer, Water Management Division No. 2, Baloda Bazar, District Raipur (C.G.)
3. Sub Divisional Officer, Water Management, Sub Division No. 6, Tehsil Baloda Bazar, District Raipur (C.G.)

Writ petition under Article 226 of the Constitution of India

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Sunil Otwani, Advocate for the petitioners.
Mr. Arvind Dubey, Panel Lawyer for State/respondents.

O R D E R

(Passed on 10th Day of May, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners, who were employed as permanent Gangman on 11.07.1978 in the Water Resources Department and the petitioners, who have worked for more than 30 years as Gangman, seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

(48)

2. According to learned counsel for the petitioners, the petitioners attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioners would submit that the case of the petitioners are squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 454/2005 **(Ram Prasad Yadav and others Vs. State of Chhattisgarh & others)** and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioner.

5. The respondents are at liberty to consider the facts of the case asto whether the petitioners have completed 15 years of service as gangman. In the event, it is found that the petitioners have completed 15 years of service, the case shall be governed by the decision of this Court in the matter of Ram Prasad Yadav and others Vs. State of Chhattisgarh & others (supra).

6. Accordingly, the petitioners, who are permanent gangman, are entitled to retire on attaining the age of 62 years in accordance with the Act, 1967.

7. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash